

JANE RAY DIETRICH

IBLA 81-300

Decided June 29, 1981

Appeal from decision of the New Mexico State Office, Bureau of Land Management, denying approval of assignment of oil and gas lease NM 31115.

Set aside and remanded.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Assignments or Transfers

When an applicant for assignment of an oil and gas lease fails to submit a certification of new qualifications to hold an oil and gas lease, it is proper to reject the application for assignment. Such an application may be reinstated where the applicant has provided the required certification on appeal and no third party rights are involved.

APPEARANCES: Jane Ray Dietrich, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Jane Ray Dietrich has appealed from a December 10, 1980, decision of the New Mexico State Office, Bureau of Land Management (BLM), denying approval of assignment to her of record title in oil and gas lease NM 31115. On October 9, 1980, appellant received a notice informing her of the need to file a certification of qualifications to hold a record title interest in the Federal oil and gas lease. The notice indicated that appellant had to sign a certification and return it within 30 days from receipt of the notice. Appellant failed to do so, and the State Office rejected her offer. Appellant has submitted a signed certification with her appeal and admits that she failed to submit it to the State Office because her office staff was not knowledgeable in this area.

[1] The State Office had not received the required certification at the time its decision was issued, so the rejection of appellant's application was proper. See Montana Bank, Trustee, 54 IBLA 359 (1981). However, appellant has submitted the required certification on appeal, and because no third party rights are involved, her assignment application may be reinstated. See 43 CFR 1821.2-2(g).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is set aside and the case remanded for further action consistent with this opinion.

Anne Poindexter Lewis  
Administrative Judge

We concur:

James L. Burski  
Administrative Judge

C. Randall Grant, Jr.  
Administrative Judge

